

REMARKS/ARGUMENTS

1. Applicants acknowledge with appreciation the courtesy of a telephonic interview on October 5, 2004 between Examiner Reagan and Applicants' Attorney Jeffrey Klayman to discuss the Office action of July 13, 2004.

In discussing the Pare, Bianco, and Berson references, Mr. Klayman pointed out that Pare teaches the use of biometrics to control access to an ATM machine, Bianco teaches the use of biometrics to control access to enterprise resources, and Berson teaches a system in which a user can find and correct personal information about himself or herself that was provided and stored by third parties. Mr. Klayman argued that neither Pare, Bianco, nor Berson teach or otherwise suggest, alone or in combination, a registration system in which personal information is obtained from a user initially during an enrollment phase and in which that personal information is only modifiable by the user upon authentication of the user using physiological parameters, as in the claims. Specifically, Mr. Klayman argued that neither Pare, Bianco, nor Berson teach or otherwise suggest the first element of claim 1 (i.e., "obtaining, from each user with respect to whom data is to be placed in the data base, personal information of such user, the content of such personal information initially established by such user in an enrollment phase") and similar limitations in other claims. Mr. Klayman pointed out that, in order to establish a *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art (see *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974)). Since Pare, Bianco, and Berson fail to teach or suggest the above-mentioned claim limitation, Mr. Klayman argued that the present invention as claimed cannot be considered obvious in view of Pare, Bianco, and Berson.

Mr. Klayman reiterated that neither Pare, Bianco, nor Berson involve registration of personal information. In fact, Mr. Klayman pointed out that Berson deals with what is essentially the opposite problem, that of finding and

correcting personal information about the user that was entered by someone other than the user into a third-party database.

Examiner Reagan pointed out that Bianco includes enrollment and re-enrollment phases. Mr. Klayman pointed out that the enrollment and re-enrollment phases of Bianco are used for obtaining physiological identifiers from the users, not for obtaining personal information for storage in a database in such a way that the personal information is modifiable by the user only upon authentication of the user using a physiological identifier, as in the claims. Thus, Mr. Klayman reiterated that Bianco fails to teach or suggest the first element of claim 1 and similar limitations in other claims.

Examiner Reagan appeared to agree with Mr. Klayman's assertions in principle, but wanted to take some time to review the references to either confirm or refute Mr. Klayman's assertions. Thus, no agreement was reached on allowability of the claims. It was agreed that Mr. Klayman would submit a response summarizing the interview.

2. Applicants respectfully submit that the present invention as claimed is allowable over Pare, Bianco, and Berson, alone and in combination, because none of Pare, Bianco, and Berson teach or otherwise suggest a registration system in which personal information is obtained from a user initially during an enrollment phase and in which that personal information is only modifiable by the user upon authentication of the user using physiological parameters, as in the claims. More specifically, none of Pare, Bianco, and Berson teach or otherwise suggest the first element of claim 1 (i.e., "obtaining, from each user with respect to whom data is to be placed in the data base, personal information of such user, the content of such personal information initially established by such user in an enrollment phase") and similar limitations in other claims. Since Pare, Bianco, and Berson fail to teach or suggest the above-mentioned claim limitation, the present invention as claimed cannot be considered obvious in view of Pare, Bianco, and Berson.

3. Claims 1-50 are pending in this application. All pending claims are believed to be in a form suitable for allowance. Therefore, the application is believed to be in a condition for allowance. The Applicant respectfully requests early allowance of the application. The Applicant requests that the Examiner contact the undersigned, Jeffrey T. Klayman, if it will assist further examination of this application.

October 7, 2004

Respectfully submitted,



Jeffrey T. Klayman
Registration No. 39,250
Attorney for Applicants

BROMBERG & SUNSTEIN LLP
125 Summer Street
Boston MA 02110-1618
Tel: 617 443 9292 Fax: 617 443 0004

02308/00102 338262.1